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December 16, 1958

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CONCORD, N.H.

Mr. Roy Lang, Director
Department of Personnel
State House
Concord, New Hampshire

Dear Mr. Lang:

This is in response to your letter of December 10 concerning the eligibility of Survival Project employees for Unemployment Compensation benefits. The individuals in question have been engaged by the State to assist in the performance of its duties under the Operational Survival Plan Project Agreement with the Federal government. You ask our opinion as to what steps should be taken in order to make Unemployment Compensation benefits available to these employees. You suggest three possible solutions to the problem: (1) establishment of Survival Project as a state agency by executive order; (2) establishment of Survival Project as a subdivision of the Civil Defense Agency by legislation or (3) inclusion of Survival Project in the Civil Defense budget.

In our opinion none of these measures would entitle Survival Project employees to Unemployment Compensation benefits.

Laws 1957, c. 313 amended various provisions of RSA 282 to provide Unemployment Compensation benefits for classified state employees. Specifically excluded, however, are temporary classified employees. Temporary classification under the statute is defined as service in a position known to be of a limited duration. RSA 282:1 (I)(g), as inserted 1957, c. 313:3. The agreement between the Federal Government and the State of New Hampshire is of definite duration. Under the schedule of estimated costs in the agreement the duration of employment of professional and staff employees is clearly specified and in our opinion they must be considered temporary employees thereby disqualified from participating in the unemployment compensation program.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/g